



Virginia  
Regulatory  
Town Hall

Exempt Action Final Regulation  
Agency Background Document

Agency Name:	Board of Housing and Community Development
VAC Chapter Number:	51
Regulation Title:	Virginia Statewide Fire Prevention Code
Action Title:	Final
Date:	11/27/00

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

**Note agency actions exempt pursuant to § 9-6.14:4.1(B)** do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 9-6.14:4.1(C)** at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

Summary

*Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

This action by the Board of Housing and Community Development is necessary to conform to changes in Virginia statutory law (ch. 951 and 1065, 2000 Va. Acts) and no agency discretion is involved. Therefore, the amendment of the regulation is excluded from Article 2 (public participation) of the Administrative Process Act by reason of the exemption in § 9-6.14:4.1C4(a).

Effective January 1, 2001, § 27-97 and 27-97.2 of the Code of Virginia require that, "The Board shall require a background investigation, to include a national criminal history record check, of all individual applicants and all designated persons representing an applicant that is not an individual, for a permit to manufacture, store, handle, use or sell explosives, and for any applicant for certification as a blaster. Each such applicant shall submit his fingerprints to the Board on a form provided by the Board and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant. Any firm or company manufacturing, storing, using, or selling explosives shall provide to the Board or other issuing authority the name of a representative responsible for (i) ensuring compliance with state law and regulations relating to blasting agents and explosives and (ii) applying for permits. The Board or other issuing authority shall deny any application for a permit or for certification as a blaster if the applicant or designated person representing an applicant has been convicted of any felony, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, unless his civil rights have been restored by the Governor or other appropriate authority."

### Statement of Final Agency Action

*Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

On November 13, 2000, the Board of Housing and Community Development adopted a final regulation entitled "Virginia Statewide Fire Prevention Code" (13 VAC 5-51-71, 13 VAC 5-51-81, 13 VAC 5-51-130, 13 VAC 5-51-150 and 13 VAC 5-51-170) to become effective on January 1, 2001.

### Family Impact Statement

*Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

Analysis of this regulatory action that assesses the impact on the institution of the family and family stability including to which extent is the following:

- 1) This regulatory action will not impact to strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children;
- 2) This regulatory action will not impact to encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents;
- 3) This regulatory action will not impact to strengthen or erode the marital commitment; and
- 4) This regulatory action will not impact to increase or decrease disposable family income.